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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,915	09/07/2006	Jens Lochmuller	W1.2383 PCT-US	5388

7590 09/14/2009  
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EXAMINER
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LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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09/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,915	<b>Applicant(s)</b> LOCHMULLER, JENS	
	<b>Examiner</b> Thomas D. Lee	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-34 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-34 is/are allowed.
- 6) ☒ Claim(s) 18, 19 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 20-22, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to Applicant's PRELIMINARY AMENDMENT, filed September 7, 2006. Claims 18-34 are pending.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 18, 19 and 23-25 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0177783 (Seymour).

Regarding claims 18, 19 and 23-25, Seymour discloses a method for identifying a proof copy having a printed image of defective quality including: providing an imprinted material containing a plurality of proof copies (multiple contract proofs joined together in mosaic fashion (paragraph 0049)); taking a photographic image of at least a portion of said imprinted material; generating data correlated with said photographic image (contract proof scanned to produce prepress image (paragraph 0049)); checking

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said generated data and determining the existence of an error reducing the quality of a proof copy on said printed image on said printed material (correction step corrects for distortions inherent in the image sensor (paragraph 0052), geometric distortion (paragraph 0053)); providing an electronically generated data set containing information regarding at least one of arrangement, form, and size of said proof copies arranged on said imprinted material (digital representation (template image) created (paragraph 0045), stored in template storage (paragraph 0051)); generating information regarding a location of said proof copy with said error (template image provided for alignment with acquired image (paragraph 0058); comparison of template and acquired images to detect defects (paragraph 0061)); and determining a location of said proof copy with said error by comparing said photographic image data and said electronically generated data set (presence and (x, y) locations of potential defects (paragraph 0063)). The method further includes obtaining said electronically generated data set other than photographically (template image could be created from data files used to create the printing plate (paragraph 0045)); marking said proof copy with said error reducing said quality of said printed image (presence or absence of a defect may be used to trigger a mechanism by which the corresponding impression may be marked as defective (paragraph 0063)); applying an identifying marking to said proof copy with said error reducing said quality of said printed image (markings identify defects (paragraph 0063)); and providing a monitor and displaying said proof copy with said error reducing said quality of said printed image on said monitor (acquired image with the defect area highlighted may be displayed to a pressman (paragraph 0063)).

***Allowable Subject Matter***

5. Claims 28-34 are allowed.
6. Claims 20-22, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest Applicant's method for identifying a proof copy having a printed image of defective quality as recited in claim 18, wherein the method further includes "preparing said electronically generated data set using a process step in which said imprinted material is processed," as recited in claim 20, or "producing a punch matrix for separating said proof copies from said imprinted material, and obtaining said electronically generated data set during said producing of said punch matrix," as recited in claim 21, or "using a CAD system for obtaining said electronically generated data set," as recited in claim 22, or "separating said proof copy with said error reducing said quality of said printed image from remaining ones of said plurality of proof copies on said imprinted material following printing of said imprinted material," as recited in claim 26, or "separating said proof copy with said error reducing said quality of said printed image from said imprinted material using a punching out process," as recited in claim 27. No prior art has been found to disclose or suggest Applicant's method for identifying a proof copy having a printed image of defective quality including steps of "making a punch matrix for use in separating said individual ones of said plurality of proof copies from said imprinted

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material; providing a data set regarding shapes of said individual ones of said plurality of proof copies using information from said making of said punch matrix; providing an image processing system; and comparing data from said image of said individual ones of said proof copies and from said data set using said image processing system," as recited in independent claim 28.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,384,859 (Bolza-Schunemann et al.) discloses a method for quality control of printed sheets, wherein a multiplicity of proof images are scanned, and their density values measured and stored for each proof judged acceptable by an inspector.

U.S. Patent 6,333,987 (Reinhard et al.) discloses a process for assessing the quality of processed material, wherein if a predetermined number of faults are counted, a signal is generated and can be used to shut down the press or to advise the press operator of the existence of the recurring fault.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas D Lee/  
Primary Examiner, Art Unit 2625